

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for November 23, 2015

- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the first floor of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

Members in Attendance: Bruce Damon, Walter Hill, Sandra Marquis, Paul Madore and Michael Marcotte

Members Absent: Kevin Morissette and Pauline Gudas

Associate Member Present: Normand Anctil

Staff Present: Gil Arsenault, Dir. of Planning and Code Enforcement

Bruce Damon appointed Normand Anctil as full voting members for this meeting.

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** None

- IV. **PUBLIC HEARINGS:**

- a) A request by Robert F. Faunce on behalf of Cameron McKay for a petition to amend the Lewiston Zoning and Land Use Code to rezone a portion of the Marketplace Mall property at 675-677 Main Street.

Mr. Faunce stated that the variance that was granted to extend and to undertake commercial activity into the residential district restricted access from Montello Street.

Gil Arsenault indicated that based upon GIS mapping the Market Place Mall building appears to be closer than 20' to the residential lots located on Montello Street. He stated that the use variance was granted on September 12, 1984. He also stated that use variances are no longer permitted.

Paul Madore offered some history regarding the granting of the variance. He stated that his father owned the property located at 28 Montello and that he did not receive notification of the board of appeals public hearing for the granting of the variance. Gil Arsenault stated that notification was required and all abutters and those properties located within 300' of the Mall should have been notified of the hearing.

Norm Anctil said that he was comfortable with a two-story building on the Mall land adjacent to the residential properties; however, a rezoning would allow a new building or the expansion of an existing building to be 60' tall and he stated that could have an impact on the value of the adjoining properties located on Montello.

Bob Faunce said that it is not likely that someone would make changes to the property given market conditions and lot limitations. Norm Anctil responded by stating that there is nothing to prevent a taller building on the lot if it is rezoned. Gil Arsenault stated that if the Board is concerned that a rezoning could have an adverse impact on the adjoining residential properties on Montello they could encourage the petitioners to give consideration to a conditional rezoning with restrictions to protect the adjoining properties.

Donald Dostie, 9 Ralph Avenue said his property is adjacent to 675 Main Street and that he would like to go on record to support a zone change. He stated that there are some clean-up items that should be addressed by the mall owner. He stated that Kevin Fletcher on behalf of the owner install a chain link fence at the rear of the mall property and that the fence should be extended along his and the mall property line to prevent people from crossing his land as a short cut to the mall. He also stated that there is no easement for a 36" storm water line that includes catch basin that is located on his property. He stated that the owners of the mall should secure easements for the storm water improvements. He also stated that he does not know if these improvements are owned by the City. In any event, easements should be obtained. He stated that a bank on the property is eroding. He said that the dumpster smells bad and that it is emptied at 5:00 a.m. and that activity makes a great deal of noise.

Angela White, 34 Montello Street and Charles Large, 317 Ferry Road attended the hearing. Mr. Large once owned 34 Montello Street and asked why make any zoning changes if the mall property is stable. He also stated that the current zoning should not be an issue for lenders. He stated that he and Angela White want to have the buffer maintained. Bob Faunce stated that the buffer will not change. Angela White said the mall security light shines on her three-family home, especially now that the leaves have dropped. Cameron McKay stated that he would remedy the problem of the security light.

Cameron McKay stated that his father owned Caswell's, the current location of Sherm Arnolds Flooring which is located in the mall and that he would be happy to work with Donald Dostie and that he would address the security light now.

Gil Arsenault stated that given the concerns expressed regarding the rezoning the petitioner should consider withdrawing the petition and to file a new petition for a conditional rezoning to include conditions that would offer some protection to the adjoining residential properties.

Bruce Damon stated that he could support the rezone and he asked if the rezoning would impact the value of the property. Cameron McKay stated that the zoning does impact the insurability of the property. Sandra Marquis said that she would prefer a conditional rezoning and hopefully the petitioners can get the required signatures. Bob Faunce said he can come back with petition for a conditional rezoning. And that he would like to withdraw his request for

the pending rezoning. Bruce Damon suggested that it would be desirable for the petition to be signed by abutters.

The following motion was made:

MOTION: by **Normand Ancil** to accept the withdrawal of the request of Robert Faunce on behalf of Cameron McKay for a petition to amend the Lewiston Zoning and Land Use Code to rezone a portion of the Marketplace Mall property at 675-677 Main Street. Second by **Paul Madore**.

VOTED: 6-0 (Passed)

Meeting Break – Meeting reconvened at 7:07 p.m.

- b) A proposed amendment to Appendix A, Article V, Section 3(z) of the Zoning and land Use Code to allow single lots developed with three or more principal structures in residential use within a shoreland zoning district to be divided to create new lots for each of the individual principal structures in residential use.

Bruce Damon asked if the Board needs to have the staff comments read and the consensus was no. He asked how many homes need the proposed amendment in order to create individual lots in the shoreland zone. Gil stated that there are approximately eight (8) such properties.

Walter Hill, for the record, mentioned that he has a cousin who owns property on Merton Boulevard and that, although, his cousin is not impacted by the proposed shoreland zone change he wanted to bring this to the Board's attention.

The following motion was made:

MOTION: by **Normand Ancil** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to adopt a proposed amendment to Appendix A, Article V, Section 3(z) of the Zoning and land Use Code to allow single lots developed with three or more principal structures in residential use within a shoreland zoning district to be divided to create new lots for each of the individual principal structures in residential use. Second by **Paul Madore**.

VOTED: 6-0 (Passed)

V. OTHER BUSINESS:

- a) Comprehensive Plan Recommendations

The Board asked if a public hearing can be scheduled for December 14, 2015 for the Comprehensive Plan and Gil Arsenault said that David Hediger may not have the changes ready at that time.

- b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. **None**

VI. READING OF MINUTES: Adoption of the November 9, 2015 and November 16, 2015 and draft minutes.

The draft minutes from the November 9, 2015 and November 16, 2015 will be adopted at the December 14, 2015 Planning Board Meeting.

VII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Sandra Marquis** that this meeting adjourns at 7:35 p.m.
Second by **Paul Madore**.

VOTED: 6-0 (Passed)

The next regularly scheduled meeting is for Monday, December 14, 2015 at 5:30 p.m.

Respectfully Submitted:



Pauline Gudas, Secretary

